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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**IBM'S REPLY MEMORANDUM IN
SUPPORT OF REQUEST FOR
EXPEDITED BRIEFING AND
HEARING**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”), through counsel, respectfully submits this reply memorandum in support of its request for expedited briefing and hearing on its motion to confine SCO’s claims to, and strike allegations in excess of, its December 22, 2005 Disclosure of Material Allegedly Misused by IBM (the “Final Disclosures”).

In its response to IBM’s request for expedited briefing and hearing, SCO does not object to IBM’s request for expedited treatment, but proposes that the Court enter an Order allowing SCO ten days from its receipt of IBM’s motion to file an opposition (June 19) and allowing IBM only three days file a reply (June 22). Although IBM does not object to SCO’s being allowed ten days to oppose IBM’s motion, IBM respectfully requests that it be allowed until June 27, 2006 to file its reply memorandum on the motion, in order to fully and adequately respond to the issues SCO may raise in its opposition. Alternatively, if such a proposed schedule will not allow the Court adequate preparation time in advance of the hearing, IBM respectfully requests that SCO be allowed to file an opposition to IBM’s motion within seven days after receipt of the motion, or on or before June 16, 2006, and that IBM be allowed to file a reply within five days thereafter, or on or before June 21, 2006.

DATED this 13th day of June, 2006.

SNELL & WILMER L.L.P.

By /s/ Amy F. Sorenson
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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